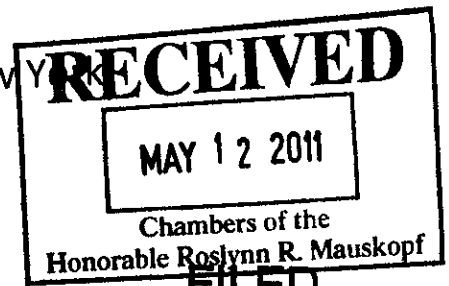


United States District Court, Eastern District Of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201



Attn: Honorable District Court Judge Roslynn R. Mauskopf

May 5 ,2011

Re: Index#11 CV 0752

IN CLERK'S OFFICE  
US DISTRICT COURT E.D.N.Y.

★ MAY 13 2011

BROOKLYN OFFICE

Sol Rosen, Plaintiff v. North Shore Towers Apartments Inc, Defendant

Honorable District Court Judge Roslynn R. Mauskopf

Alleged \$35 million cash "missing" (embezzled), increasing at the rate of \$1 million monthly, with unrefuted documentary evidence in Schedule 1F, Exhibit 2, Exhibit 4, Tables A and Table B, Projections for year 2011. If so, the order of eviction dated January 18, 2011 is invalid and the apartment must be returned to the Plaintiff immediately.

Seyfarth Shaw LLP in their motion to dismiss shareholders' claims to be representing the shareholders corporation, with the same breach of fiduciary duties to the shareholders of former counsel Errol Brett Esq., opposing shareholders' claims of \$35 million "missing" cash, while being paid by shareholders. No ethical law firm in a civil action can represent the shareholders defendant corporation and seek to dismiss shareholders' claims of \$35 million... Plaintiffs' claims of \$35 million cash "missing" is validated, unrefuted, unmentioned in their motion and ethically unopposed by Seyfarth Shaw LLP.

## BACKGROUND

March 12 ,2010 Housing Court Index # 57503/10 Errol Brett Esq .commenced an action for four months back rent \$18,758.25 including \$5000 attorneys fees of Respondent( Sol Rosen ),who entered a counterclaim under protest of \$35,000 his share of the shareholders claims of \$35 million in cash "missing:"i

Plaintiff is certain that the complicit group misled Seyfarth Shaw LLP at the outset of shareholders claims..Plaintiff is equally certain that the Court would have granted Plaintiff a preliminary injunction at the February 17 ,2011 hearing ,if the documentary evidence of fraud had been presented...Instead Errol Brett Esq. and Seyfarth Shaw LLP can only repeat the legal malpractice successes that Errol Brett had in misleading the Housing Court and the New York State Supreme Court.

Seyfarth Shaw LLP unconscionably argues that the U.S.Disrict Court lacks the jurisdiction to reverse lower Court decisions, fraudulently obtained.Seyfarth Shaw also argues the U.S.Disrict Court lacks jurisdiction in a the State proceedings. The Federal Court will acknowledge that the Plaintiff was denied due process under the 5<sup>th</sup> and 14<sup>th</sup> amendment when Plaintiff was denied access to his U.S.Post Office Box by Charles H.Greenthal Management Co.Inc..Further ,Plaintiff was denied access to the property without due process and could not solicit funds and other support from other shareholders

The Housing Court reserved decision for 10 weeks to give Respondent time to bring the case to the New York State Supreme Court, for lack of jurisdiction in the Housing Court..The Respondent was unsuccessful in retaining Counsel on a contingency basis The Decision and Order dated July 19 ,2010 in a summary judgment, acknowledged

that the respondents counterclaim was that the Petitioner

1."violated accounting principles that amounted to malpractice

2."engaged in budget fraud that affected the validity of the maintenance fees assessed"

3. questioned Errol Brett Esq. breach of fiduciary duties to shareholders, opposing shareholders claims of \$35 million of missing cash, being paid by shareholders, to silence the advocate of shareholder claims

4. based on the above Respondent stopped making maintenance payments to bring the matter before the Court.

The discovery of the fraud in February 2009, with hundreds of letters to the Board did not resolve the matter internally.

There was never a response except threats from Errol Brett

5. The Court acknowledged "the Court lacks the jurisdiction to entertain the defenses raised by the respondents that involve fiduciary duties owed to the shareholders and the corporation's business practices. Errol Brett in a clear breach of his fiduciary duties to shareholders, being paid by shareholders opposed shareholder claims to recover \$35 million in missing cash

6. The Court acknowledged it lacked jurisdiction to entertain the shareholders counterclaim seeking to recover \$35 million

**The Housing Court Order Index#57503/10 has survived for 13 months in three Courts, without a trial, no matter the acknowledgment that the Court had no jurisdiction**

July 30, 2010 The New York State Supreme Court, Honorable Judge Duane A. Hart **vacated** the Housing Court order and called Errol Brett from chambers to instruct him not to evict. *Exhibit 17*

September 15, 2011, entered September 23 ~~9~~ Errol Brett withdrew his opposition to vacate the Housing order and incomprehensibly submitted the order simultaneously  
Exhibit 60

January 7, 2011 The resubmitted order dated September 15, 2010 Exhibit 1, Page 1 became the basis for the order of the Honorable Judge Alan B. Weiss to grant Defendant four months back rent to the shareholders corporation and dismissing shareholders claims of \$35million in their entirety."To the extent the defendant also requests additional sanctions, the request is denied "The eviction of Plaintiff is the additional sanction that was denied, but took place ..The decision was entered January 14, 2011. The next business day January 18, 2011 a fraudulent Notice of Eviction was served, **with the Housing Court Index #57503/10 for which there was no judgment, not New York State Index 19503.10. Exhibit 61**

January 31 ,2011 amended the Housing Court order to cure the fraud ,without a trial ,using the fraudulent order of eviction, dated January 18 ,2011 to evict Plaintiff on February 14 ,2011

Plaintiff commenced an action in the United States District Court, Eastern District of New York February 15 ,2011 seeking a preliminary injunction for wrongful eviction that was denied because Errol Brett allegedly representing the shareholders' misled the Court as follows:

1 that he was in breach of his fiduciary duties to shareholders in opposition to their claims of \$35 million in missing cash to collect the back rent of the Plaintiff

2.that he suppressed his record of perjury Exhibits 36 and 37

3.that he suppressed his record of forgery of the so called Plaintiffs Right to Appeal , *Exhibit 42*

4..that ~~he~~ the documentary evidence of the massive accounting fraud in Schedule 1F ,Exhibit 2 ,Exhibit 4,,Table and Table B.,Projections for year 2011 has never been refuted by the hundreds of accountants available to the defense in the 13 months,that documentary evidence has been before the Court

5.that the Certified reports for the years 2009 and 2010 omitted repotting the ongoing litigation alleging \$35 million in missing cash, **before the Certified reports were issued**

## CONCLUSION

Seyfarth Shaw LLP in opposing shareholders claims of \$35 million cannot represent shareholders and their motion to dismiss is invalid..

Sayfarht Shaw LLP represents the complicit group including among others Errol Brett Esq. Robert Serikstad CPA, Morton Gitter Esq, Treasurer and Board member , Glen Kotowski Gen.Mgr. Greenthal Management

No attorney that may replace Sayfarth Shaw LLP can oppose shareholders claims of \$35 million. Therefore the shareholders claims are unopposed

Plaintiff requests that the Court dismiss the Motion to Dismiss of Sayfarth Shaw LLP .and not require Plaintiff to answer...

The Court is reminded that the fraud is continuing at the rate of \$1million monthly..It is estimated that \$3million has been added to the fraudulently assessed funds since the filing of the instant, case Feb.15,2011 .The time consuming steps to end the fraud must be undertaken immediately by remaining non complicit officials of North Shore Towers Apartments. Inc..and Charles H.Greenthal Management .The fox can no longer be in charge of the chicken coop..Too much time has already been given the complicit group to conceal their assets

Accordingly, Plaintiff requests that the apartment be returned to Plaintiff, with damages of \$2million for wrongful eviction to be dedicated to retaining counsel and forensic accountants for a shareholders derivative action, in a Court,selected by Counsel.

The complicit group is guaranteed a right to trial by jury under the 6<sup>th</sup> amendment of the U.S.Constitution

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Sol Rosen".

Sol Rosen .

Royal Inn Room 112

1177 Northern Blvd.

Manhasset New York, NY 11030

Cell phone 1-516-241-4307

cc: Seyforth Shaw LLP